IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 2303 OF 2005

Vinod P. Shah ...Applicant

Versus

Novatech Process Equipment & Anr. ...Respondents

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Mr.Subodh Desai i/b Little & Co. Adv. for Applicant

Mr. S.S. Pednekar, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 9TH JUNE, 2005

P. C.:-

1. Heard the learned advocate for the applicant. None appears for the respondent No.1 though served.

2. The applicant has prayed for quashing of SCC No. 511 of 2004 which is pending in the Court of learned Judicial Magistrate, First Class, IInd Court, Thane. In the said case, process has been issued against the applicant under Section 138 of Negotiable Instruments Act. If the process issued against the applicant is set aside, the proceedings in respect of the applicant would come to an end. The learned advocate for the applicant submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside.

3. For the reasons recorded in my order dated 8th

June, 2005 passed in Criminal Application No.645 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. It is stated by the learned advocate for the applicant that the applicant is 72 years of age and is residing at Thane. Hence, it is prayed that the interim stay granted earlier by this Court be extended by four weeks so as to enable the applicant to prefer necessary revision. Looking to the facts and circumstances of this case, the prayer made on behalf of the applicant appears to be reasonable. Hence, the proceedings before the trial Court are stayed for a period of four weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing the necessary parties.

6. Criminal application is disposed of.

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